

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF PENNSYLVANIA

CHRISTOPHER MCNAUGHTON, a
Pennsylvania citizen,

Plaintiff,

vs.

UNITEDHEALTHCARE
INSURANCE COMPANY, a
Connecticut corporation, UNITED
HEALTHCARE, INC., a Delaware
corporation,

Defendants.

CIVIL ACTION

Case No.:

**DECLARATION OF
CHRISTOPHER MCNAUGHTON
IN SUPPORT OF PLAINTIFF'S
MOTION FOR TEMPORARY
RESTRAINING ORDER,
PRELIMINARY INJUNCTION
AND EXPEDITED HEARING**

I, Christopher McNaughton, state:

1. The facts stated in this declaration are based on my own personal knowledge.

2. I am the plaintiff in this action. I am insured under a health plan issued by defendant United Healthcare Insurance Company (“United”). I have severe ulcerative colitis. This disease causes me bloody diarrhea up to twenty times a day; severe abdominal pain; severe anemia causing constant fatigue; loss of appetite; significant weight loss and malnutrition; severe inflammatory arthritis which leaves me unable to walk and requiring hospitalization; severe, recurrent, life-threatening, deep vein thrombosis resulting in repeated hospitalizations; repeated fractures and osteopenia; and severe secondary adrenal insufficiency.

3. I was referred to Dr. Edward Loftus at the Mayo Clinic in Rochester, Minnesota in May 2015 due to the severity of my ulcerative colitis.

4. In October 2018, after failing numerous ulcerative colitis medications and doses, Dr. Loftus prescribed that I take a combination of Remicade 20 mg/kg every 4 weeks and Entyvio 600 mg every 4 weeks. The medication prescribed by Dr. Loftus was covered by my former health insurer, Aetna, before I subscribed to United’s health plan at Penn State. Then United covered it from July 1, 2020 to August 12, 2021.

5. On May 14, 2021, I received a denial email indicating that United would not cover my infusions at the prescribed doses for the 2021-22 plan year. The email said that the reason for the denial was that, in a peer-to-peer review, Dr. Loftus had agreed that the current treatment was “not appropriate.” Dr. Loftus has indicated in writing that the statements, which form the basis of United’s denial, are false.

6. On June 4, 2021, after being confronted with the false statements in the May 14, 2021 denial, United sent another denial letter to me advising me that it

would not cover my treatments. (Attached as Exhibit 3 to the Loftus Declaration is the June 4, 2021 denial letter.)

7. If I do not receive the treatments on time as prescribed by Dr. Loftus I will suffer “serious”, “long term”, and “life threatening complications”.

8. On June 7, 2021, Dr. Loftus sent a letter explaining that he never said the things attributed to him in Dave Opperman’s email to me dated May 14, 2021. (Attached as Exhibit 4 to the Loftus declaration is his June 7, 2021 letter.)

9. I have been a patient of Dr. Loftus at the Mayo Clinic in Rochester, Minnesota for the past 6 years. My disease has been severe and difficult to treat.

10. I have failed all lower doses and combinations of these medications so it is essential that I receive the dosages prescribed by Dr. Loftus (Entyvio 600 mg every 4 weeks and Remicade 20mg/kg every 4 weeks).

11. I cannot afford to pay for these doses of medicine myself because I lack the financial resources to afford them. I am a college student, and have no significant life savings to pay for this treatment which costs over \$150,000 per month.

12. United contracted to provide me with medically necessary health care in exchange for monthly premium payments.

13. My next scheduled treatment for Entyvio is on September 10, 2021 and for Remicade is on September 24, 2021, but since United already denied coverage for these infusions, I will almost certainly be unable to receive the treatments as scheduled unless this Court orders United to pay for the procedures.

I declare under penalty of perjury that the foregoing is true and correct and would testify as to same if called upon as a sworn witness at time of trial.

Executed on this 2 day of September, 2021 at State College, PA.

Christopher McNaughton
Christopher McNaughton

State of PA, County of Centre

Sworn to and subscribed
before me this
day of September 2, 2021.

[Signature]
Notary Public

